

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 21, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEREMIAH LINZ and AARON
KAMINSKY, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CORE VALUES ROADSIDE
SERVICE, LLC, and MARK
HYNDMAN,

Defendants.

No. 2:20-cv-00107-SMJ

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Before the Court is Magistrate Judge Dimke's December 4, 2020 Report and Recommendation, ECF No. 81, recommending that this Court grant in part and deny in part Plaintiff Linz's Motion to Dismiss Defendants' Counterclaim with Prejudice, ECF No. 74. No party has filed any objections.

After reviewing the Report and Recommendation and relevant authorities, the Court agrees with the Magistrate Judge's findings. Therefore, the Court adopts the Report and Recommendation in its entirety.

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Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation, **ECF No. 81**, is **ADOPTED** in its entirety.
2. Plaintiff Linz's Motion to Dismiss Defendants' Counterclaims with Prejudice, **ECF No. 74**, is **GRANTED IN PART AND DENIED IN PART**.
3. Defendants' counterclaim against Plaintiff Linz for breach of contract, **ECF No. 70** at 11–16, is **DISMISSED WITHOUT PREJUDICE**.
4. Defendants may seek leave of the Court to amend their counterclaim by no later than **July 30, 2021**. *See* ECF No. 64.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel and Magistrate Judge Dimke.

DATED this 21st day of December 2020.



SALVADOR MENDONÇA, JR.
United States District Judge